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Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

COMMODITY CREDIT CORPORATION

1938-39 COTTON CIRCULAR LETTER NO. 3¹

NOVEMBER 3, 1938.

Section 4 of the Printed Instructions, 1938-39 CCC Cotton Form 1, provides for acceptance of a form 1 Classification Memorandum of the U. S. Department of Agriculture, as evidence of the grade and staple of cotton pledged as security to loans on 1938-39 CCC Cotton Form A.

Because of the provisions as to sampling as provided in the Warehouseman's Certificate and Waiver contained in the Loan Agreement, producers have not been in position to avail themselves of the benefits of cotton classed under the Smith-Doxey Act except in those instances where the warehouseman sampled the cotton.

In order to permit producers to make use of the Form 1 Classification Memorandum of the U. S. Department of Agriculture issued on cotton classed from gin samples, Commodity Credit Corporation will accept such Form 1 Classification Memorandum of the U. S. Department of Agriculture in those instances where the cotton may be identified by the name of the gin and by gin tag number as shown in the following certificate of the warehouseman which must accompany the Note and Loan Agreement:

¹ 3 P. R. 2621 DI.

The cotton securing the attached note of _____
(Name and address of producer)
dated _____ in the
amount of \$ _____ bears gin tag num-
bers of _____
(Name and address of gin)
on the bales corresponding to the ware-
house receipt numbers as listed below:

Warehouse receipt number	Gin tag number	Warehouse receipt number	Gin tag number

Notification is hereby given that the Warehouseman's Certificate and Waiver included in the Loan Agreement has been signed in accordance with the provisions of 1938-39 Cotton Circular Letter No. 3 with the understanding that the undersigned warehouseman does not assume any responsibility for the drawing of samples for classing of said cotton or for maintenance of the samples.

Warehouse company _____

By _____

Date _____
Location _____

Attention of lending agencies holding paper on 1938-39 CCC Cotton Form A is called to the fact that in purchasing notes Commodity Credit Corporation will pay interest from the date of the note or the date of the classification memorandum or federally licensed classifier's certificate, whichever is later, to the date of payment, as such is the earliest date such loan could have been completed in accordance with the Corporation's instructions.

[SEAL]

F. P. BIGGS,
Assistant Treasurer.

[P. R. Doc. 38-3372; Filed, November 9, 1938;
9:39 a. m.]

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TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 706—1939 NAVAL STORES CONSERVATION PROGRAM*

[Bulletin NSCP—301]

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*Sections 706.0 of 706.7 were issued under the authority contained in Sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204; 16 U. S. C., Sup. III, 590g-590q.

#The source of Sections 706.0 to 706.7 is NSCP-301, A. A. A., November 9, 1938.

Sec.

- (b) Time limit for filing work sheets and applications.
- (c) Producer eligible for payment.
- (d) Time of payment.

706.7 Administration.

(For the information of producers of gum naval stores in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. This bulletin explains the procedure to be followed in order to qualify for payments under the Naval Stores Conservation Program for 1939.)

SEC. 706.0 Authority and availability of funds.—Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of section 7 (a) of the said Act in 1939, payments and grants of aid will be made for participation in the 1939 Naval Stores Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1939 Naval Stores Conservation Program are subject to such legislation relating to said program as the Congress of the United States may hereafter enact, and the making of the payments herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; the amounts of such payments and grants of aid will be finally determined by such appropriation and by the extent of participation in the program. Any increase or decrease in rates of payments and deductions because of the extent of participation in the program will not be in excess of 10 percent.* #

SEC. 706.1 Definition of Terms.—(a) **Turpentine farm.**—The land and turpentine timber owned or leased, or operated on a share-crop basis, and under one management and in one general locality, which is being operated for the production of gum naval stores, and generally referred to as a "turpentine place."

(b) **Gum naval stores.**—Crude gum (oleoresin), gum turpentine, and gum rosin produced from living trees. Gum naval stores does not include naval stores produced from dead timber, stumps, knots, etc.

(c) **Producer.**—Any person or persons, firm, partnership or corporation doing business as a single legal entity and producing gum naval stores from timber under fee ownership, cash lease, percentage lease or other form of control.

(d) **Face.**—The whole wound or aggregate of streaks made by chipping, streaking, or pulling live trees to stimulate the flow of gum.

(e) **Cup.**—A metal, clay, or other container hung on or below the face to accumulate the flow of gum.

(f) **Tins.**—The gutters or aprons, made of sheet metal or other material, used to aid in conducting the crude gum (oleoresin) from a face into a cup.

(g) **Crop.**—10,000 turpentine faces.

(h) **Drift or tract.**—A portion or subdivision of a "crop" set apart for convenience of operation.

(i) **D. b. h.**—Diameter breast height, i. e., diameter of tree measured at breast height or 4½ feet from the ground.

(j) **Turpentine season.**—The entire calendar year or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(k) **Application.**—The prescribed form of application for payment for cooperating in the 1939 Naval Stores Conservation Program (hereinafter referred to as the 1939 program).* #

SEC. 706.2 Duration of program.—The period during which this program is to be in effect is the period January 1 to December 31, 1939, inclusive.* #

SEC. 706.3 Kind of payments.—Payment will be made to producers who in 1939 carry out the following approved practices with respect to turpentine farms currently being worked in 1939, beginning such cooperation on or within time limits to be established by the Forest Service of the United States Department of Agriculture, (hereinafter referred to as Forest Service) as appropriate and practicable time limits necessary to afford full opportunity to producers to cooperate in the program and to obtain a full measure of compliance with the objectives of the program.* #

SEC. 706.4 Conditions of payment—performance required.—In order to qualify for payment, producers shall meet the following requirements:

(a) No new (virgin) faces shall be operated during the 1939 turpentine season on trees less than 9 inches d. b. h. on any turpentine farm owned or leased by the applicant producer, whether or not such farm is covered by a work sheet and an application.

(b) No faces (either old or new) shall be operated during the 1939 turpentine season on trees less than 9 inches d. b. h. on any turpentine farm which is covered by a worksheet and an application.

(c) A reduction in payment to the producer will be made at ½ cent per face for all virgin faces worked by him in 1939 if any such virgin faces are on trees less than 10 inches d. b. h. No such reduction in payment will be made if all such virgin faces are on trees 10 inches d. b. h. or larger.

(d) On any turpentine farm which is covered by a work sheet and an application no tree that is less than 14 inches d. b. h. shall have more than one face worked during the 1939 turpentine season.

(e) Each participating producer shall make a net reduction in the number of operating faces in 1939 to the extent and in the manner as hereinafter prescribed, using as 100 percent the number of faces operated by him in 1938:

provided that where a producer has acquired by lease, purchase or other form of control, prior to the filing of a work sheet, an additional turpentine farm or portion thereof, which had been worked in 1938, he shall use as his base (i. e., 100%) the number of faces represented by such acquisition, in addition to the number of faces which he worked in 1938 for the purpose of determining the percentage of reduction required under paragraph (g) of this section. In such cases, the producer who operated such turpentine farm or portion thereof in 1938 will have to deduct a corresponding number of faces in computing his base.

(f) The producer shall discontinue working on all faces which measure more than 90 inches in height, averaged by drifts or tracts, at the beginning of the 1939 season, provided that work need not be discontinued on such faces (more than 90 inches in height) to an extent exceeding 30 percent of the number of faces which he operated in 1938.

(g)

If the number of his faces operated in 1938 that are more than 90 inches in height at the beginning of the 1939 season, in relation to the total number operated in 1938 ranges from:

Then the producer shall discontinue operation on a net number of faces operated in 1938, that are less than 90 inches in height at the beginning of the 1939 season, that shall not be less than the following corresponding proportion of the total number of faces operated in 1938:

Faces more than 90 inches high	Faces less than 90 inches high
0 percent to 10 percent	15 percent
10.1 percent to 20 percent	10 percent
20.1 percent to 30 percent	5 percent
30.1 percent or more	0 percent

The producer shall be permitted to discontinue operation on a larger net proportion, than is indicated above, of the total of those of his 1938 working faces that are less than 90 inches in height at the beginning of the 1939 season but will not receive payment for such net proportion of discontinued faces in excess of 40 percent of his total of all 1938 working faces; provided, that payment shall be restricted to such discontinued faces on which the producer retains ownership, lease or other control throughout the period of the 1939 program.

(h) Faces discontinued by new participants in the 1939 program on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h., as required by paragraphs (b) and (d) of this section shall apply as part of the percentage of reduction required and permitted under paragraph (g) of this section.

(i) The requirement in paragraphs (e), (f) and (g) of this section for a "net reduction" means that the participating producer shall have a reduction in the number of faces worked in 1939, includ-

ing new (virgin) faces, as compared to the number of faces worked in 1938.

(j) All faces discontinued under this program shall be discontinued by drifts or tracts with the exception of faces discontinued on trees under 9 inches d. b. h. and on trees between 9 and 14 inches as required by paragraphs (b) and (d) of this section.

(k) Cups and tins must be removed from discontinued faces on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h., but need not be removed from the area. Cups must be removed from all other discontinued faces unless all three of the following conditions are met, namely, such faces must be discontinued by drifts or tracts, the boundaries of the areas containing such discontinued faces must be clearly marked by blazed or painted lines and such discontinued faces must remain under the producer's control throughout the period of the 1939 season.

(l) Total streaks per face made during the period of the 1939 program, averaged by drifts or tracts, shall not exceed 18 inches in vertical measurement (average of measurements between shoulders of first streak and shoulders of last streak).

(m) Payment shall not be made on faces in production which do not average, by drifts or tracts, at least 12 streaks for the 1939 season and such streaks shall have been made at no greater frequency than two streaks per week.

(n) Payment shall not be made on faces either retained in production or taken out of production in any drift or tract where the average height of faces exceeds 90 inches at the beginning of the 1939 turpentine season, in average vertical measurement between shoulders of first streak and shoulders of last streak, including jump streaks.

(o) Payment shall not be made on faces taken out, or remaining out, of production in any drift or tract (1) unless such faces were in operation for two or more months during the 1938 turpentine season, (2) unless such faces were discontinued under the 1938 program, or (3) unless such faces were discontinued under the 1937 program and kept out of production under the 1938 program, and (4) unless the cups on all such faces were first installed during or after the season of 1935.

(p) No tree shall have any new (first-year) back face unless a bark-bar on each side of the back face is provided and maintained throughout the 1939 season, the total of the two being not less than 7 inches in width, measured horizontally along the bark surface; provided, however, that the restriction with respect to the width of bark-bar shall not apply to any tree which has on it two or more old faces.

(q) Any person having part ownership and control of more than one turpentine farm shall have the right and

privilege of consolidating two or more such farms for the purpose of carrying into effect the provisions of this program.

(r) In the event of a loan program being set up for producers during 1939 only those producers who are participating in the program will be eligible for loans except as provided in paragraph (s) of this section; furthermore, loans shall not be made to any producer whose entire operation consists of more than 75 percent of new (virgin) faces.

(s) The provisions of the 1939 Naval Stores Conservation Program as contained in this bulletin are not applicable to producers on such portion of their operations as may be within the public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States; provided, however, that such producers shall have the privilege of borrowing under any loan program which may be set up for naval stores producers during 1939.

(t) The applicant producer shall protect from fire all forest land of any kind within the turpentine farm owned, leased, or otherwise controlled by him during the 1939 turpentine season to the best of his ability, and in doing so shall cooperate with the State and Federal Governments in any cooperative forest fire protective system that exists contiguous to his turpentine farm or within the area within which such farm is situated; provided, that the producer shall not be required to pay the cost of fire protection on land not owned by him unless so stipulated in the terms of his lease. He shall be required, however, to so conduct his operations in all cases in such manner as will prevent fires escaping to adjoining forest land whether protected or not.

(u) The applicant producer, in order to provide for restocking and to promote continued production of timber upon which the naval stores, pulp and paper, lumber, and other wood-using industries are dependent, shall, in any and all cutting of timber under his ownership or control during the 1939 season, meet or exceed the following minimum requirements:

In cutting operations on turpentine areas

(1) all worked-out turpentine, defective, and non-turpentine trees may be cut, provided at least 6 thrifty seed trees 8 inches or more in diameter at the stump (12 inches above the ground) outside bark, per acre, are left uncut or provided sufficient young growth (at least 150 trees per acre 6 to 8 feet high) is left uncut; no round or one-faced turpentine trees, except such as are defective or where thinnings are needed, shall be cut, thinnings may be made but in such case there shall be left

not less than 50 trees per acre 6 to 9 inches in diameter, outside bark, at the stump (12 inches above the ground).

(2) In all other cutting operations at least 4 thrifty seed trees per acre 8 inches or more in diameter, outside bark, at the stump (12 inches above the ground) shall be left uncut unless sufficient young growth (at least 150 trees per acre 6 to 8 feet high) is left standing.

Such standards have been adopted by members of the American Pulpwood Association in the southern and southeastern United States, who have committed themselves to cooperate with the naval stores industry in the salvage and cutting of worked-out turpentine timber.

(v) Each applicant producer in measuring his trees to determine those on which operation shall respectively be continued or discontinued under the 1939 program shall make an accurate count, by drifts, lots, or other suitable units, of all faces separately as to those that are to remain in operation and those which are not; and he shall make and keep a written record thereof; and such record shall be made available to any field inspector who is responsible for inspecting his operations under the program. Each producer who files a work sheet shall assist the representatives of the Forest Service in the administration of the 1939 program by giving them free access to his turpentine farm, indicating the location of trees and faces recorded on the work sheet, and otherwise facilitating the work of the inspectors in checking compliance with the terms and conditions of the program.*

Sec. 706.5 Rates of payment.—In connection with the utilization, during the period of the 1939 program, of land devoted to growing trees suitable for and used in the production of gum naval stores, on all turpentine farms operated in accordance with the conditions hereinabove set forth, payment will be made to each participating producer at the following rates:

(a) One-half ($\frac{1}{2}$) cent per face for each face in continuous operation during the 1939 turpentine season except new (virgin) faces (front or back), and except faces in drifts or tracts which, by drifts or tracts, average more than 90 inches in height at the beginning of the 1939 season.

(b) Five (5) cents per face:

(1) For any one face of one or more faces on trees less than 9 inches d. b. h., and for any one face of two or more faces on trees 9 to 14 inches d. b. h., on which work is discontinued during the 1939 season;

(2) For each face which was taken out of operation during the 1938 season and kept out of operation in 1939, for which payment was made in 1938, and which was first installed during or after the 1935 season;

(3) For each face which was taken out of operation under the 1937 program, remained out of operation during the 1938 season, and is kept out of operation in 1939 for which payment was made in 1937 and 1938 provided such face was first installed during or after the 1935 season; and

(4) For each face under 90 inches in height at the beginning of the 1939 season for all such faces, up to 40 percent (in excess of the virgin faces worked in 1939) of the total number of all faces operated in 1938, which are taken out of operation during the 1939 season provided, that the producer shall retain control of such discontinued faces throughout the period of the 1939 program.

(c) One-half ($\frac{1}{2}$) cent per face will be deducted from the payment to any producer for each virgin face worked by him in 1939 if any such virgin faces are on trees under 10 inches d. b. h. No such deduction will be made if all such virgin faces are on trees 10 inches d. b. h. or larger.

(d) Payments limited to \$10,000. The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under said Act may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or had the effect of evading, the provisions of this section.

(e) The total payment computed for any producer with respect to his turpentine farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0.40	\$32.00 to \$32.99	\$3.20
\$2.00 to \$2.99	.80	\$33.00 to \$33.99	3.60
\$3.00 to \$3.99	1.20	\$34.00 to \$34.99	4.00
\$4.00 to \$4.99	1.60	\$35.00 to \$35.99	4.40
\$5.00 to \$5.99	2.00	\$36.00 to \$36.99	4.80
\$6.00 to \$6.99	2.40	\$37.00 to \$37.99	5.20
\$7.00 to \$7.99	2.80	\$38.00 to \$38.99	5.60
\$8.00 to \$8.99	3.20	\$39.00 to \$39.99	6.00
\$9.00 to \$9.99	3.60	\$40.00 to \$40.99	6.40
\$10.00 to \$10.99	4.00	\$41.00 to \$41.99	6.80
\$11.00 to \$11.99	4.40	\$42.00 to \$42.99	7.20
\$12.00 to \$12.99	4.80	\$43.00 to \$43.99	7.60
\$13.00 to \$13.99	5.20	\$44.00 to \$44.99	8.00
\$14.00 to \$14.99	5.60	\$45.00 to \$45.99	8.40
\$15.00 to \$15.99	6.00	\$46.00 to \$46.99	8.80
\$16.00 to \$16.99	6.40	\$47.00 to \$47.99	9.20
\$17.00 to \$17.99	6.80	\$48.00 to \$48.99	9.60
\$18.00 to \$18.99	7.20	\$49.00 to \$49.99	10.00
\$19.00 to \$19.99	7.60	\$50.00 to \$50.99	10.40
\$20.00 to \$20.99	8.00	\$51.00 to \$51.99	10.80
\$21.00 to \$21.99	8.40	\$52.00 to \$52.99	11.20
\$22.00 to \$22.99	8.80	\$53.00 to \$53.99	11.60
\$23.00 to \$23.99	9.20	\$54.00 to \$54.99	12.00
\$24.00 to \$24.99	9.60	\$55.00 to \$55.99	12.40
\$25.00 to \$25.99	10.00	\$56.00 to \$56.99	12.80
\$26.00 to \$26.99	10.40	\$57.00 to \$57.99	13.20
\$27.00 to \$27.99	10.80	\$58.00 to \$58.99	13.60
\$28.00 to \$28.99	11.20	\$59.00 to \$59.99	14.00
\$29.00 to \$29.99	11.60	\$60.00 to \$185.99	(1)
\$30.00 to \$30.99	12.00	\$186.00 to \$199.99	(2)
\$31.00 to \$31.99	12.40	\$200.00 and over	(3)

¹ Increase to \$200.00.

² No increase.

(f) There shall be deducted from the payments to each producer his pro-rata share of all or such part as the Secretary of Agriculture may prescribe of the estimated expenses incurred or to be incurred in the administration of the 1939 program.*

Sec. 706.6 Application and eligibility for payment.—(a) *Filing of work sheet and application.*—Payments will be made upon the basis of facts established in an application for payment properly executed on a prescribed form and filed in a district or regional office of the Forest Service. Each person filing an application for payment will be required to show that a work sheet has been properly executed covering each turpentine farm owned, leased, or otherwise controlled, and being operated by him, with respect to which an application for payment is filed.

An application for payment may be made (1) by any producer who is actively engaged in the production of gum naval stores during the 1939 season; (2) by any person who was so engaged during 1938, or who participated in the 1938 program on land owned, leased, or otherwise controlled by him; or (3) by such other persons as may be designated by the Secretary of Agriculture.

(b) *Time limit for filing work sheets and applications.*—Work sheets and applications shall be filed in the manner prescribed and within time limits established by the Forest Service as reasonably affording opportunity to producers to participate in the benefits of the program and keeping the administrative costs within the budget and as low as reasonably may be reached.

(c) *Producer eligible for payment.*—Payment will be made to the producer

who operates the turpentine farm and who executes the application for payment. In the event one producer conducts the operation of a turpentine farm during a portion of the 1939 turpentine season and another producer (or producers) conducts the operation of the turpentine farm during the remainder of the season, payment will be made to the producer who last conducts the operation of the turpentine farm during the season, or the payments shall be divided between such producers on the basis of a mutual agreement between them.

(d) *Time of payment.*—Payment will be made as soon as practicable after a final field inspection of the turpentine farm on which a work sheet has been filed and after an application for payment has been filed with respect to such farm.

Sec. 706.7 Administration.—The field work in connection with this program shall be administered by the Forest Service through the Office of the Regional Forester, United States Forest Service, Glenn Building, Atlanta, Georgia.

Done at Washington, D. C., this 9th day of November, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3377; Filed, November 9, 1938;
12:11 p. m.]

[A. A. A. Cotton 1939—I]

NATIONAL ALLOTMENT OF COTTON FOR CALENDAR YEAR BEGINNING JANUARY 1, 1939

BY THE SECRETARY OF AGRICULTURE OF THE UNITED STATES OF AMERICA, A PROCLAMATION

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

Sec. 342. Not later than November 15 of each year the Secretary [of Agriculture] shall find and proclaim (a) the total supply, the normal supply, and the carry-over of cotton as of August 1 of such year, (b) the probable domestic consumption of American cotton during the marketing year commencing August 1 of such year, (c) the probable exports of American cotton during such marketing year, and (d) the estimated carry-over of cotton as of the next succeeding August 1.

Sec. 345. Whenever the Secretary determines that the total supply of cotton for any marketing year exceeds by more than 7 per centum the normal supply thereof for such marketing year, the Secretary shall proclaim such fact not later than November 15 of such marketing year * * * and marketing quotas shall be in effect during the next succeeding marketing year with respect to the marketing of cotton. Cotton produced in the calendar year in which such marketing year begins shall be subject to the quotas in effect for such marketing year notwithstanding that it may be marketed prior to August 1.

Sec. 343. (a) Not later than November 15 of each year the Secretary shall find and proclaim the amount of the national allotment of cotton for the succeeding calendar year in terms of standard bales of five hundred pounds gross weight. The national allotment shall be the number of bales of cotton adequate, together with the estimated carry-over as of August 1 of such succeeding calendar year, to make available a supply of cotton, for

the marketing year beginning on such August 1, equal to the normal supply. * * *

(b) If the national allotment for 1938 or 1939 is determined to be less than ten million bales, the national allotment for such year shall be ten million bales for such year, as the case may be. If the national allotment for 1938 or 1939 is determined to be more than eleven million five hundred thousand bales, it shall be eleven million five hundred thousand bales for such year, as the case may be.

(c) Notwithstanding the foregoing provisions of this section, the national allotment for any year shall be increased by a number of bales equal to the production of the acres allotted under section 344 (e) for such year.

Sec. 344. (a) The national allotment for cotton for each year (excluding that portion of the national allotment provided for in section 343 (c)) shall be apportioned by the Secretary among the several States on the basis of the average, for the five years preceding the year in which the national allotment is determined, of the normal production of cotton in each State. The normal production of a State for a year shall be (1) the quantity produced therein plus (2) the normal yield of the acres diverted in each county in the State under the previous agricultural adjustment or conservation programs. The normal yield of the acres diverted in any county in any year shall be the average yield per acre of the planted acres in such county in such year times the number of acres diverted in such county in such year.

(b) The Secretary shall ascertain, on the basis of the average yield per acre in each State, a number of acres in such State which will produce a number of bales equal to the allotment made to the State under subsection (a). Such number of acres plus the number of acres allotted to the State pursuant to subsection (e) (2) is referred to as the "State acreage allotment." The average yield per acre for any State shall be determined on the basis of the average of the normal production for the State for the years used in computing the allotment to the State, and the average, for the same period, of the acres planted and the acres diverted in the State.

(c) (1) The State acreage allotment (less the amount required for apportionment under paragraph (2)) shall be apportioned annually by the Secretary to the counties in the State. The apportionment to the counties shall be made on the basis of the acreage planted to cotton during the five calendar years immediately preceding the calendar year in which the State allotment is apportioned (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such five-year period.

(2) Not more than 2 per centum of the State acreage allotment shall be apportioned to farms in such State which were not used for cotton production during any of the three calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton; crop rotation practices; and the soil and other physical facilities affecting the production of cotton.

(e) (1) For 1938 and 1939, the Secretary shall allot to the several counties, to which an apportionment is made under subsection (c), a number of acres required to provide a total acreage for allotment under this section to such counties of not less than 60 per centum of the sum of (1) the acreage planted to cotton in such counties in 1937, plus (2) the acreage therein diverted from cotton production in 1937 under the agricultural adjustment and conservation program. The acreage so diverted shall be estimated in case data are not available at the time of making such allotment.

(2) The Secretary shall allot to each State to which an allotment is made under subsection (b), and in which at least three thousand five hundred bales were produced in any of the five years immediately preceding the year for which the allotment is made,

a number of acres sufficient to provide a total State acreage allotment for such State of not less than five thousand acres.

(g) For each of the years 1938 and 1939 an acreage equal to 4 per centum of the State acreage allotment shall be apportioned by the Secretary, to counties and farms in the State receiving allotments under this Part. * * *

(h) Notwithstanding any other provisions of this section, the cotton acreage allotment for any farm for each of the years 1938 and 1939, after making the allotments provided in subsection (g), shall be increased in such amount as may be necessary to provide an allotment of not less than 50 per centum of the sum of the acreage planted in cotton in 1937 and the acreage diverted from cotton production in 1937 under the agricultural conservation program, as determined for each farm in accordance with regulations prescribed by the Secretary. * * * Provided, That this subsection shall not operate to raise the cotton acreage of any farm above 40 per centum of the acreage on such farm which is tilled annually or in regular rotation, as determined under regulations prescribed by the Secretary.

(i) The acreage required for apportionment under subsection (g) and (h) shall be in addition to the State acreage allotment, and the production of such acreage shall be in addition to the national allotment.

Whereas said Act contains, in section 301 (b), the following definitions of terms here pertinent:

"Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand either within or without the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current.

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Cotton, August 1-July 31; * * *

"Normal supply" in the case of cotton * * * shall be a normal year's domestic consumption and exports of the commodity, plus * * * 40 per centum in the case of cotton * * * of a normal year's domestic consumption and exports, as an allowance for a normal carry-over.

"Normal year's domestic consumption," in the case of cotton * * *, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Total supply" of * * * cotton * * * for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins.

Whereas said Act provides, in section 301 (c), that "The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.," and

Whereas said Act provides, in section 350, that the provisions of Part IV (Marketing Quotas—Cotton) of subtitle B of Title III thereof shall not apply to cotton the staple of which is 1½ inches or more in length;

Now, therefore, be it known that I, Henry A. Wallace, Secretary of Agriculture of the United States of America,

acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby find, determine, and proclaim under sections 342, 343, and 345 of said Act:

(1) That the "total supply" of cotton as of August 1, 1938, was 25,250,000 running bales;

(2) That the "total supply" of cotton for the marketing year commencing August 1, 1938, is 25,702,000 running bales;

(3) That the "normal supply" of cotton as of August 1, 1938, was 18,200,000 running bales;

(4) That the "carry-over" of cotton as of August 1, 1938, was 13,652,000 running bales;

(5) That the "probable domestic consumption of American cotton" during the marketing year commencing August 1, 1938, is 6,500,000 running bales;

(6) That the "probable exports of American cotton" during the marketing year beginning August 1, 1938, is 5,000,000 running bales;

(7) That the estimated "carry-over" of cotton as of August 1, 1939, is 14,200,000 running bales;

(8) That the "total supply" of cotton for the marketing year beginning August 1, 1938, exceeds by more than 7 per centum the "normal supply" of cotton for such marketing year; and

(9) That the national allotment of cotton for the calendar year beginning on January 1, 1939, shall be 10,000,000 standard bales of five hundred pounds gross weight, increased by that number of standard bales of five hundred pounds gross weight equal to the production in the calendar year 1939 of that number of acres required to be allotted for 1939 under the terms of subsections (e), (g), and (h) of section 344 of said Act.

Done at Washington, D. C., this 9th day of November, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3376; Filed, November 9, 1938;
12:11 p. m.]

TITLE 29—LABOR

WAGE AND HOUR DIVISION

PART 524—REGULATIONS APPLICABLE TO EMPLOYMENT OF HANDICAPPED PERSONS PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT

The following amendment to Regulations—Part 524—(Regulations Applicable to Employment of Handicapped Persons

pursuant to Section 14 of the Fair Labor Standards Act)¹ is hereby issued. Said amendment makes an addition to Part 524 by adding thereto a new Section, to follow Section 524.90, to be Section 524.91. Said amendment shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER, and shall be in full force and effect until repealed by regulations hereafter made and published by me.

Signed at Washington, D. C., this ninth day of November, 1938.

ELMER F. ANDREWS,
Administrator.

It appearing that a substantial number of handicapped individuals are provided remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature in charitable organizations and institutions conducted not for profit but for the purpose of carrying out a recognized program for the rehabilitation of such individuals; and

It appearing advisable for the Administrator to give further consideration to the special problems affecting the employment of such handicapped individuals at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act; and

It being the intention of the Administrator to appoint an advisory committee to make recommendations with respect to permanent regulations and procedure providing for the employment of handicapped individuals in charitable organizations and institutions of the type described above at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act;

Therefore, in view of the foregoing, the following regulation is hereby issued:

SEC. 524.91 *Temporary certificate of exemption for handicapped individuals employed by certain charitable non-profit institutions and organizations during period before normal procedure is in full operation.*—Notwithstanding any provision in Section 524.90 of Part 524 (providing a temporary certificate of exemption during period before normal procedure is in full operation), from October 24, 1938, to February 1, 1939, or such earlier date as the Administrator may after notice determine, this regulation shall be deemed to be a certificate authorizing charitable organizations and institutions conducted not for profit but for the purpose of carrying out a recognized program of rehabilitation for handicapped individuals and of providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature, to employ (or

¹ 3 F. R. 2485, 2508.

suffer or permit to work) handicapped individuals for such purposes at wage rates less than the minimum rate applicable under Section 6 of the Fair Labor Standards Act, subject to the following conditions:

(a) the earning capacity of the employee for the particular position held by him or for the work which he is suffered or permitted to do must be, or must be honestly believed by the employer to be, substantially impaired by age or physical or mental deficiency or injury;

(b) in no event shall the minimum wage paid any such handicapped individual during this period of temporary exemption be less than that proportion of the minimum wage applicable under Section 6 which the handicapped individual's earning capacity bears to the earning capacity of a non-handicapped worker.

(Issued under the authority contained in Section 14, 52 Stat. 1060.)

[F. R. Doc. 38-3375; Filed, November 9, 1938;
12:02 p. m.]

TITLE 43—PUBLIC LANDS

GENERAL LAND OFFICE

STOCK DRIVEWAY WITHDRAWAL No. 226,
IDAHO No. 16, ENLARGED

OCTOBER 28, 1938.

It appearing that the following-described public lands should be included in Stock Driveway Withdrawal No. 226, Idaho No. 16, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and under section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to such driveway reservation, subject to valid existing rights:

BOISE MERIDIAN

T. 29 N., R. 1 E.,
sec. 5, lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$;
T. 31 N., R. 4 W.,
sec. 21, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$,
sec. 27, W $\frac{1}{2}$,
sec. 28, NE $\frac{1}{4}$,
sec. 34, N $\frac{1}{2}$ NW $\frac{1}{4}$;
aggregating 884.18 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

HARRY SLATTERY,
Under Secretary of the Interior.

[F. R. Doc. 38-3373; Filed, November 9, 1938;
9:39 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 49739]

ROCHESTER MUNICIPAL AIRPORT, ROCHESTER, NEW YORK, REDESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR

NOVEMBER 5, 1938.

To Collectors of Customs and Others Concerned:

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the Rochester Municipal Airport, Rochester, New York, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the said act (U. S. C., title 49, sec. 179 (b)), for a period of one year from November 7, 1938.

[SEAL] STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 38-3371; Filed, November 8, 1938;
2:15 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

WAGE RATES, SUGARCANE PRICES, TERRITORY OF HAWAII

NOTICE OF PUBLIC HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in Sections 301 (b) and (d) and 511 of the Sugar Act of 1937 (Public No. 414, 75th Congress),

Notice is hereby given that a public hearing will be held at Honolulu, on the Island of Oahu, Territory of Hawaii, on November 16, 1938, at 9:30 a. m., in the Court Room of the United States District Court for the Territory of Hawaii, in the Federal Building at Honolulu.

The purpose of the hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, (1) pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane during the calendar year 1939 on farms with respect to which applications for payments under the act are made, and, (2) pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for the 1939 crop of sugarcane to be paid, under either purchase or toll agreements, by processors who as producers apply for payments under the said act; and to receive evidence likely to be of assistance to the Secretary of Agriculture in making recommendations, pursuant to the

provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugarcane, and the terms and conditions of contracts between laborers and producers of sugarcane.

Such hearing, after being called to order at the time and place mentioned above, may for convenience be adjourned to such other place in the same city as the presiding officer may designate, and may be continued from day to day within the discretion of the presiding officer.

Howard B. Boyd and George W. Mills are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearings.

Done at Washington, D. C., this 9th day of November 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3378; Filed, November 9, 1938;
12:12 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

APPLICATIONS OF THE COTTON-TEXTILE INSTITUTE, INC., THE NATIONAL RAYON WEAVERS ASSOCIATION, AND THE NATIONAL FEDERATION OF TEXTILES, INC., AND SUNDRY OTHER PARTIES FOR PERMISSION TO EMPLOY LEARNERS IN THE TEXTILE INDUSTRY AT WAGE RATES LESS THAN THE APPLICABLE MINIMUM

NOTICE OF HEARING

Whereas, applications have been made by the Cotton-Textile Institute, Inc., the National Rayon Weavers Association, and the National Federation of Textiles, Inc., and sundry other parties under section 14 of the Fair Labor Standards Act of 1938 and regulations (Part 522—Regulations Applicable to the Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act—Title 29, Labor, Chapter 5, Wage and Hour Division) issued by the Administrator thereunder for permission to employ learners in the textile industry at wages less than the applicable minimum wage specified in Section 6 of the Act;

Now, therefore, pursuant to the Act and the regulations, notice is hereby given of a public hearing to be held on said applications in Room 3229, Department of Labor building, located at Constitution Avenue and 14th Street, Washington, D. C., to commence at 10:00 A. M., on November 28, 1938, to take testimony for the purpose of determining:

(a) what if any occupation or occupations in the textile industry require a learning period, and

(b) whether it is necessary in order to prevent curtailment of opportunities for employment, to provide for the employment of persons in occupations requiring a learning period at wage rates lower

than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and

(c) if such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6, such employment of learners shall be permitted, and with what limitations as to time, number, proportion and length of service.

At this hearing, learner applications will be considered and acted upon on the basis of the needs of the employees and the employers in the industry as a whole rather than on the basis of the needs of individual employees or employers of the industry. Opportunity will be afforded to interested parties to present evidence relevant to the foregoing inquiry. All persons or associations desiring to avail themselves of this opportunity should, if possible, notify the Administrator in advance of the hearing.

Pursuant to authority vested in the Administrator by the Fair Labor Standards Act of 1938, Mr. Merle D. Vincent is hereby designated as presiding officer to conduct the said hearing and to determine:

(a) what, if any, occupation or occupations in the textile industry require a learning period, and

(b) whether it is necessary in order to prevent curtailment of opportunities for employment, to provide for the employment of persons in occupations requiring a learning period at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and

(c) if such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6, such employment of learners shall be permitted, and with what limitations as to time, number, proportion and length of service.

For the purpose of this hearing, Mr. Merle D. Vincent shall have all the powers conferred on the Administrator in Section 9, relating to the attendance of witnesses and the production of books, papers and documents.

As used in this notice, the term "textile industry" means:

(a) the manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing, and other finishing of woven fabrics (other than carpets and rugs) from cotton, wool, silk, flax, jute or any synthetic fibre, or from mixtures of these fibres; except the chemical manufacturing of synthetic fibre and such related processing of yarn as is conducted in establishments manufacturing synthetic fibre;

(b) the manufacturing of batting, wadding or filling and the processing of waste from the fibres enumerated in clause (a);

(c) the manufacturing, bleaching, dyeing, or other finishing of pile fabrics

(except carpets and rugs) from any fibre or yarn;

(d) the manufacturing or finishing of braid, net or lace from any fibre or yarn;

(e) the manufacturing of cordage, rope or twine from any fibre.

Signed at Washington, D. C., this ninth day of November, 1938.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 38-3374; Filed, November 9, 1938;
12:02 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of November, A. D. 1938.

[File No. 32-115]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on November 21, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in

such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 16, 1938.

The matter concerned herewith is in regard to an application for exemption of the issue and sale of securities, by a subsidiary of a registered holding company, which are solely for the purpose of financing applicant's business and which have been expressly authorized by a State Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3380; Filed, November 9, 1938;
12:49 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9 day of November, A. D. 1938.

[File No. 41-7]

IN THE MATTER OF SAFETY ENGINEERING AND MANAGEMENT COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on November 28, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 23, 1938.

The matter concerned herewith is in regard to exemption from Section 6 (a) of the Act of the renewal of \$696,000 of notes of applicant held by the Chase National Bank of the City of New York, New York City and Harris Trust and Savings Bank, Chicago, Illinois, to February 1, 1939, which notes are due December 1, 1938, it being alleged that such renewal or extension is not a part of a public offering and matures within 90 days.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3379; Filed, November 9, 1938;
12:49 p. m.]